



SANGGUNIANG PANLALAWIGAN

SP Building, Gov. Augusto G. Ortiz Drive corner, Gov. Salvador C. Escudero, Sr. Drive,
Capitol Compound, Brgy Burabod, East District, Sorsogon City

EXCERPT FROM THE JOURNAL OF THE 38th REGULAR SESSION OF THE 10TH PROVINCIAL BOARD ON MARCH 16, 2020 AT THE SP SESSION HALL, SANGGUNIANG PANLALAWIGAN BUILDING, GOV. AUGUSTO C. ORTIZ DRIVE COR. GOV. SALVADOR C. ESCUDERO, SR. DRIVE, CAPITOL COMPOUND, BRGY BURABOD, EAST DISTRICT, SORSOGON CITY.

PRESENT:

Hon. Manuel L. Fortes, Jr., Vice Governor/Presiding Officer

1ST DISTRICT

Hon. Krunimar Antonio D. Escudero II, MDMG
Hon. John Ryan C. Dioneda
Hon. Francisco L. Ravanilla
Hon. Edmundo A. Atutubo
Hon. Rommel John C. Mella

2ND DISTRICT

Hon. Arze G. Glipo
Hon. Roland R. Afionuevo
Hon. John Paul "Ton" E. Erlano
Hon. Juan G. Guysayko
Hon. Ramil M. Robles

EX-OFFICIO

Hon. Ramon B. Escudero – Provincial President, Philippine Councilors League
Hon. Jose Arturo D. Enano – Provincial President, Liga ng mga Barangay
Hon. Roxan M. Escanilla – Provincial President, Sangguniang Kabataan

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PROVINCIAL ORDINANCE NO. 15-2020

AN ORDINANCE IMPOSING CURFEW FROM 9:00 P.M. TO 5:00 A.M. AS PART OF THE COMMUNITY QUARANTINE MEASURE TO CONTROL AND PREVENT THE SPREAD OF COVID-19 IN THE PROVINCE OF SORSOGON

Author: Vice Governor Manuel L. Fortes, Jr.

WHEREAS, the Provincial Government of Sorsogon in accord with the efforts of the national government to protect and preserve the lives and health of the people of Sorsogon has established measures, such as the creation of Sorsogon Provincial Task Force NCOV and reactivation of Barangay Health Emergency Response Teams (BHERTH);

WHEREAS, the Governor issued Executive Order No. 13-2020 and 14-2020 prescribing the Guidelines on the Management of COVID-19, consistent with DOH protocols. It includes, among others, general preventive measures like social distancing, class suspension and other risk mitigation measures and containment measures during community-level transmission;

WHEREAS, as of March 14, 2020, the DOH in its update for Philippines COVID-19 provides the following information: Confirmed cases = 111, Cases tested negative = 638, and cases pending test results = 72;

WHEREAS, it is deemed imperative to establish precautionary measures to ensure that this infectious disease will not harm any person within the territorial jurisdiction of the Province of Sorsogon as well those living in the neighboring communities. And, that in order not to defeat the very purpose of pre-emptive social distancing, like class suspension or modified class set-ups, modified work schedules and prohibition on mass gathering, a curfew of at least eight (8) hours a day or from 9:00 P.M. to 5:00 A.M. is necessary and reasonable to keep all the students, minors and all other persons away from public and crowded places like parks, movie houses, videoke and game centers, and malls if only to stop and contain the spread of COVID-19;

NOW, THEREFORE BE IT ORDAINED by the Sangguniang Panlalawigan of Sorsogon in Regular Session, that:

SECTION 1. TITLE. This ordinance shall also be known as the "Curfew Ordinance for COVID-19".

SECTION 2. DECLARATION OF POLICY. It is hereby declared as the policy of the Provincial Government of Sorsogon to protect the life, health and property of all its constituents, consistent with the general welfare clause of the 1991 Local Government Code and the exercise of its police power to ensure the implementation of precautionary measures to control and prevent the spread of COVID-19 within its territorial jurisdiction by employing social distancing measures as well as self and community quarantine protocols.

The Province of Sorsogon shall abide by the directives of the Department of Health (DOH) and the Department of Interior and Local Government (DILG) in the imposition of general community quarantine or an enhanced community quarantine, if warranted, within its territorial jurisdiction.

SECTION 3. PURPOSE. This ordinance is primarily enacted to reduce and restrict non-essential movements of all persons in public places and encourage stringent social distancing to control and prevent the spread of the deadly virus known as COVID-19 in the province, in particular and in the entire country, in general.

SECTION 4. LEGAL BASES. The COVID-19 pandemic is a public health emergency recognized by the Department of Health (DOH) and the World Health Organization (WHO).

The imposition of curfew hours to reinforce the implementation pre-emptive social distancing measures to lower the number of people exposed to the virus and lower risk of transmission per contact may be authorized under Section 468 (a) (1) (iv) of RA 7160, otherwise known as the Local Government Code of 1991, which states in part that:

"(iv) Adopt measures to protect the inhabitants of the province from harmful effects of man-made or natural disasters and calamities, xxx;"

Also, the same is permitted by Section 468 (a) (4) (v) of the same Code, which provides that:

"(v) Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases within its territorial jurisdiction;"

Section 16, the General Welfare clause of the same Code also empowers local government unit "to exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare" and "shall ensure and support, among others, xxx, promote health and safety xxx".

Ordinance for COVID-19

This ordinance is likewise authorized in compliance with temporary directives and guidelines issued by national government agencies such as Department of Education Memorandum No. 034, S. 2020, dated March 9, 2020, updates or guidelines of the Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID), which are primarily intended to address the spread of the coronavirus disease (COVID-19) in the country.

SECTION 5. DEFINITION OF TERMS. The words as used in this ordinance shall be construed as:

- a. Community Service – shall mean to include any and all activities related to the control and prevention of COVID-19 within the Province of Sorsogon, such as but not limited to rendering assistance in COVID-19 checkpoints, clean-up or sanitation activities and any barangay health emergency measures, which shall not exceed twenty-four hours for the third and each succeeding offenses
- a. Curfew – a mitigating measure and imposition adjunct to social distancing measures implemented by this ordinance that is meant to keep people at home instead of hanging out or remaining in public places
- b. Curfew Hours - shall cover the period 9:00 P.M. to 5:00 A.M. of the following day
- c. Emergency – an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, a vehicular accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life or property.
- d. Enhanced community quarantine - a condition where strict home quarantine shall be implemented in all households, transportation shall be suspended, provision for food and essential health services shall be regulated, and the presence of uniformed personnel to enforce quarantine procedures shall be heightened
- e. Essential movements – those acts and activities by a person, an office, organization or group of persons that pertains to accessing basic necessities and work and medical emergencies
- f. General community quarantine - a condition where movement of people shall be limited to accessing basic necessities and work
- g. Guardian – means:
 1. A person who under court order, is the guardian of the person of a minor;
 2. A public or private agency with whom a minor has been placed for custody by a court;
 3. A person in charge of the custody or who is taking care of a minor, whether relative or not
 4. A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.
 5. A landlady or landlord in charge of a boarding house or dormitory
- h. Law Enforcement Officer – the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a barangay tanod as provided in RA 9344 or the Juvenile Justice and Welfare Act of 2006)
- i. Mass gathering – events attended by a sufficient number of people to strain the planning and response resources of the host community, which shall include but are not limited to any and all in- and out-of-school activities, organized group activity, excursions, outings, picnics, party, tournaments and similar activities.

- j. Minors – those persons below eighteen (18) years old
- k. Parent – refers to both biological and adoptive parents who has actual custody of or living together with minor children
- l. Public Place – a place within the territorial jurisdiction of the Province of Sorsogon, where the general public, or substantial group of people have access, including but not limited to streets, highway, sidewalks, parking lots, vacant lots and the common areas in and about churches, apartment buildings, office buildings, hospitals, schools, shops, and places of entertainment such as malls, and gaming centers, and similar places of establishments.
- m. Residence – the house or home wherein the minor and his/her parent/s or guardians actually lives; the house or home where any person actually lives, whether temporarily, as in the case of those students/workers living in dormitories or boarding houses.
- n. Social Distancing Measures – to keep a distance of at least three (3) feet or one (1) meter away from other people to reduce the possibility of person-to-person transmission, whenever possible
- o. Students – those persons enrolled in any public or private school, college or university, including vocational schools and training institutions

SECTION 6. PROHIBITED ACTS AND ACTIVITIES. Due to public health demand, the following acts and activities are considered unlawful under this ordinance:

- 1. All minors, students in all levels are prohibited to roam around, loiter, wander, stay or meander in all public places during curfew/discipline/quarantine hours- 9:00 P.M. to 5:00 A.M. of the following day, whether singly or in groups without lawful purpose or justifiable reason.
- 2. It is unlawful for any person of legal age to roam around, loiter, wander, stay or meander in any public place during curfew/discipline/quarantine hours- 9:00 P.M. to 5:00 A.M. of the following day, without lawful purpose or justifiable reason.
- 3. It is unlawful for a parent or guardian of a minor or student to knowingly permit or by insufficient control allow a minor or student under his/her care or custody to remain in any public place within the territorial jurisdiction of the Province of Sorsogon without any justifiable reason as provided under Section 7 hereof.
- 4. Non-essential movements are hereby banned during curfew/quarantine/discipline hours.

SECTION 7. EXEMPTIONS. Minors, students and other persons under the following circumstances shall not be covered by this ordinance:

- 1. Those government and private sector employees who are going to report for work, regardless of the status of employment
- 2. Those medical and rescue personnel, regardless of the status of employment, whether employed by the government or private sector, or in a volunteer capacity
- 3. Those persons who are in public places because of an emergency or medical situation.
- 4. Those persons who run errand to buy food, supplies, medicines and other basic essentials.
- 5. Delivery of basic necessities like food and medicines.
- 6. Those persons who are seeking medical help.
- 7. Essential movements of supplies as well as the health, medical and rescue teams.
- 8. Those who work at night such as hospital personnel such as doctors, nurses and other health personnel, ambulance drivers, security guards and rescue personnel.
- 9. Local Chief Executives of the different LGU's or their lawfully authorized personnel specifically tasked to perform a duty in relation of the function of the LCE, as well as

Members of the Sangguniang Bayan/Panglungsod and Panlalawigan in the performance of the oversight function relative to the implementation of this Ordinance.

SECTION 8. PENALTY. Anyone found during curfew/quarantine/discipline hours will be asked to go home. If they refuse to go home, they will be arrested and charged with violation of Section 6 hereof, except in case of minors, who will be escorted home by the authorized personnel under this ordinance and under RA 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006.

Parents and guardians who are found to be negligent and remiss of their parental duty to enforce home quarantine to their children or wards, as required under this ordinance, shall be meted out with the following penalties:

1st Offense – Reminder of his/her parental obligation

2nd Offense – Reprimand

3rd Offense and each succeeding offense - Community service as defined in Section 5 hereof

SECTION 9. PERSONNEL AUTHORIZED TO IMPLEMENT THE ORDINANCE. The PNP Sorsogon, DILG Provincial Office, Provincial Health Office, Provincial Legal Office, Municipal Officials and their duly authorized deputies i.e. MDRRMO's, Barangay officials and barangay tanods in coordination with the SPDRRMO is hereby authorized to implement the provisions of this ordinance.

SECTION 10. COMMUNITY QUARANTINE. Subject to qualifications that the Inter-Agency Task Force for the Management of Emerging Infectious Disease (IATF-MEI) may further provide, all areas under general community quarantine shall implement the following:

- a. Restrict the non-essential entry of people to the contained area, especially persons who are at high risk of being infected (i.e., 60 years old and above, immunocompromised or with co-morbidities and pregnant women), EXCEPT (1) health workers, (2) authorized government officials, (3) those travelling for medical or humanitarian reasons, (4) persons transiting to airports for travel abroad, (5) persons providing basic services and public utilities, and (6) essential skeletal workforce; and
- b. Prevent the non-essential exit of people out of the contained area, EXCEPT (1) health workers, (2) authorized government officials, (3) those travelling for medical or humanitarian reasons, and (4) those who were granted entry based on the above-mentioned provisions, provided that all persons leaving the contained community must be checked for signs and symptoms (e.g., fever, respiratory symptoms, diarrhea) at exit checkpoints where (1) appropriate certification will be issued by the competent health authority (DOH or Provincial/City/Municipal Health Officer), (2) health authority endorses exiting person to recipient LGU, (3) exiting persons to undertake 14-day home based quarantine, and (4) LGUs are required to monitor implementation of home-based quarantine.

Provided, that when the DOH and the DILG direct an LGU to impose enhanced community quarantine, the directive/s shall be deemed written in this ordinance.

SECTION 11. IMPLEMENTING RULES AND REGULATIONS. There shall be rules and regulations implementing the provisions of this ordinance to be formulated by the Provincial Legal Office in coordination with the Provincial Health Office (PHO) and SPDRRMO, and executed within 3 (three) days after the approval of this ordinance.

SECTION 12. SEPARABILITY CLAUSE. If any clause, provision or section of this ordinance shall be held invalid or unconstitutional, the remaining parts shall not be affected thereby.

SECTION 13. REPEALING CLAUSE. All ordinances, or any of its provisions, rules and regulations, memorandum orders and executive orders of the local chief executives of all component LGUs of the Province of Sorsogon inconsistent with this ordinance shall be deemed repealed or modified accordingly.


SECTION 14. EFFECTIVITY CLAUSE. This ordinance shall take effect immediately upon the signing of the Provincial Governor.

APPROVED UNANIMOUSLY.

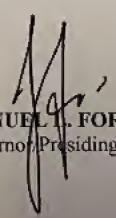
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I HEREBY CERTIFY to the correctness of the foregoing.



FATIMA F. RUIZ

Acting Secretary to the Sangguniang Panlalawigan


ATTESTED:


ATTY. MANUEL L. FORTES, JR.
Vice Governor/Presiding Officer

APPROVED:


FRANCIS JOSEPH G. ESCUDERO
Governor